



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/511,536  | 10/15/2004  | Peter Schwalbach     | 112740-1019         | 4420             |
| 29177   | 7590        | 12/21/2005           | EXAMINER            |                  |
| BELL, BOYD & LLOYD, LLC<br>P. O. BOX 1135<br>CHICAGO, IL 60690-1135 |             |                      | DOAN, KIET M        |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2683                |                  |

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                                   |  |
|------------------------------|-------------------------------|-----------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/511,536 | Applicant(s)<br>SCHWALBACH, PETER |  |
|                              | Examiner<br>Kiet Doan         | Art Unit<br>2683                  |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 15-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This office action is response to amendment file on 10/14/2005.

**Claims 15, 21** are amended. This action is made FINAL.

### *Response to Arguments*

Applicant's arguments with respect to **claims 15 and 21** have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

**Claims 15, 21** are rejected under 35 U.S.C. 102(e) as being anticipated by Miller et al. (Patent No. 6,535,911).

Consider **claim 15**, Willer teaches a telecommunication module directly connected to a wireless mobile communication network (Fig.1, Illustrate network interface No.149 means as telecommunication module directly connected to a wireless mobile communication network No.148), comprising:

a system data processor for performing at least one telecommunication activity, the at least one telecommunication activity being at least one of creating, setting up, implementing, monitoring and terminating a telecommunication connection with the wireless mobile communication (C4, L48-67, C5, L1-20, Fig.1, Illustrate processor

No.160 which read on data processor wherein performing at least one telecommunication activity);

a control data processor for automatically executing at least one control instruction sequence stored in the telecommunication module, the at least one control instruction sequence being implemented such that, upon execution, the at least one telecommunication activity is initiated (Fig.1, Illustrate No.170 storage device (instruction, data) which read on control data processor wherein instruction sequence stored in the telecommunication module); and

a connector for further connecting the telecommunication module to an external electronic device (Fig.1, Illustrate No.149 network interface which for connecting to external electronic device as read on server computer No.105).

Consider **claim 21**, Miller teaches a method for controlling a telecommunication module directly connected to a wireless mobile communication network (Fig.1, Illustrate network interface No.149 means as telecommunication module directly connected to a wireless mobile communication network No.148), the method comprising:

providing that the telecommunication module include a system data processor for performing at least one telecommunication activity, the at least one telecommunication activity being at least one of creating, setting up, implementing, monitoring and terminating a telecommunication connection with the wireless mobile communication network (C4, L48-67, C5, L1-20, Fig.1, Illustrate processor No.160

Art Unit: 2683

which read on data processor wherein performing at least one telecommunication activity);

providing that the telecommunication module include a control data processor (Fig.1, No.160);

providing that the telecommunication module include a first connector for connecting the telecommunication module to an external electronic device (Fig.1, No.149 such as connecting the telecommunication module to an external electronic device No.105);

providing that the telecommunication module include a second connector for connecting the control data processor to the system data processor (Fig.1, No.162 as second connector wherein connect control data processor No.170 to system data processor No.160);

storing at least one control instruction sequence in the telecommunication module; and automatically executing the at least one control instruction sequence stored in the telecommunication module such that the at least one control instruction sequence initiates the at least one telecommunication activity of the system data processor (C4, L61-67, C5, L1-11, Fig.1, Illustrate memory No.165 which means as storing at least one control instruction sequence in the telecommunication module).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2. Claims 16-19 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (Patent No. 6,535,911) in view of Lueh (Pub. No. 2002/0144240).

Consider **claims 16 and 23**, Miller teaches the limitation of claim as discuss above **but fail to teach** a telecommunication module as claimed in claim 15, wherein the at least one control instruction sequence contains one of at least one Java 2 MicroEdition byte code instruction and at least one BASIC instruction.

In an analogous art, Lueh teaches "Method and system of controlling dynamically compiled native code size". Further, Lueh teaches a telecommunication module as claimed in claim 15, wherein the at least one control instruction sequence contains one of at least one Java 2 MicroEdition byte code instruction and at least one BASIC instruction (Page 1, Paragraph [0003], Page3, Paragraphs [0026-0027]).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Miller and Lueh system, such that control instruction sequence contains one of at least one Java 2 MicroEdition byte code instruction and at least one BASIC instruction, to provide means for flexibility operating.

Consider **claim 17**, Lueh teaches a telecommunication module as claimed in claim 15, wherein the control data processor includes a storage part for storing the at least one control instruction sequence and an execution part for executing the at least one control instruction sequence (Page 2, Paragraphs [0020-0022], teach processing

system which contain memory storing data on Fig.2b, No.226)

Consider **claims 18-19**, Lueh teaches a telecommunication module as claimed in claim 17, wherein the execution part executes at least one of Java instructions and BASIC instructions (Page 1, paragraph [0003]).

**3. Claims 20, 22, 24-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (Patent No. 6,535,911) in view of Lueh (Pub. No. 2002/0144240) and further view of Atkinson et al. (Pub. No. 2002/0012329).

Consider **claims 20 and 26**, Miller and Lueh teach the limitation of claim as discuss above **but fail to teach** a telecommunication module as claimed in claim 15, wherein the at least one control instruction sequence may be at least one of setup, modified and deleted by the external electronic device via the connector.

In an analogous art, Atkinson teaches "Communications apparatus interface and method for discovery of remove device". Further, Atkinson teaches a telecommunication module as claimed in claim 15, wherein the at least one control instruction sequence may be at least one of setup, modified and deleted by the external electronic device via the connector (Page 2, paragraphs [0020-0022]).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Miller, Lueh and Atkinson system, such that modified and deleted by the external electronic device via the connector, to provide means for safe/security by update/deleted file through external electronic

device.

Consider **claim 22**, Miller teaches a method for controlling a telecommunication module as claimed in claim 21, wherein for the automatic execution of the at least control instruction sequence, at least one AT control command is transmitted from the control data processor via the second connector to the system data processor (Fig.1, Illustrate storage instruction data No.170 which means as module wherein for the automatic execution of the at least control instruction sequence ).

Consider **claims 24 and 25**, Miller teaches a method for controlling a telecommunication module as claimed in claim 21, wherein the data is transferred from the control data processor via the first connector to the external electronic device (Fig.1, No.149 such as connecting the telecommunication module to an external electronic device No.105).

Consider **claim 27**, Miller teaches a method for controlling a telecommunication module as claimed in claim 21, wherein the automatic execution of the at least one control instruction sequence is initiated by at least one of the external electronic device and establishment of a connection from the telecommunication module to a power supply device (Fig.1, Illustrate server computer N0105 means as external electronic device which inherently contain power supply device).



Consider **claim 28**, Miller teaches a method for controlling a telecommunication module as claimed in claim 21, wherein the at least one control instruction sequence is implemented such that one particular control instruction sequence is repeated at least once (Fig.1, Illustrate module No.170 as wherein the at least one control instruction sequence is implemented).

Consider **claim 29**, Miller teaches a method for controlling a telecommunication module as claimed in claim 28, wherein the repetition of the one particular control instruction sequence occurs once a specified intervening time period has elapsed (C5, L5-20, Fig.1, Illustrate module No.170 as wherein the repetition of the one particular control instruction sequence occurs once a specified intervening time period has elapsed ).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2683

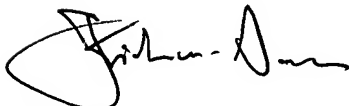
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863.

The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kiet Doan  
Patent Examiner



WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600